



## ORDINANCE

### ESTABLISHING A PROCESS FOR LOCATING MOTORIST SERVICES DIRECTIONAL SIGNAGE RELATED TO HIGHWAY SIGNAGE IN THE CITY RIGHT-OF-WAY

### *CITY OF NASHUA*

*In the Year Two Thousand and Fifteen*

*The City of Nashua ordains* that that Part II “General Legislation”, Chapter 320 “Vehicles and Traffic”, Article III “Stop and Yield Intersections”, Section 320-9 “Other signs in street rights-of-way” of the Nashua Revised Ordinances, as amended, be hereby further amended by adding the following new subsection “J”:

**“§ 320-9. Other signs in street rights-of-way.**

The following procedures shall be followed for the installation of all signs in City street rights-of-way which are requested by any nongovernmental agencies, organizations or private enterprises:

...

J. Requests for the approval and installation of signage in accordance with the New Hampshire Department of Transportation (NH DOT) Logo Signing Program for Motorist Services, Tra 310, 2007, as amended, shall follow the following procedures:

(1) Applicability.

- (a) New Hampshire Department of Transportation (NHDOT) Logo Signing Program for Motorist Services, Tra 310, 2007, as amended, State of New Hampshire Department of Transportation, Bureau of Traffic, is referenced and incorporated herein.
- (b) The State of New Hampshire Department of Transportation (NHDOT) allows for standards for traffic control and use of signage in the State Highway right-of-way in New Hampshire in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), adopted by the Federal Highway Administration (FHWA).

- (2) **Purpose.** The purpose of these rules is to describe the process used to issue permits by the Division of Public Works for logo sign panels displaying information about motorist services for the services of gas, food, lodging, and camping, when, and only when, applying for and being issued permits from NHDOT in accordance with Logo Signing Program for Motorist Services, Tra 310.
- (3) **Definitions.**
  - (a) “Advertising device” means “advertising device” as defined in RSA 236:70, I.
  - (b) “Bureau” means the bureau of traffic within the New Hampshire Department of Transportation.
  - (c) “Closed” means that the qualifying activity shown in the text of the sign is not open for use by the road user, regardless of the fact that other activities at the business are still in operation, including but not limited to viewing for future sales or usage, maintenance activities, acceptance of deliveries, or services available by chance or appointment, unless otherwise specified in Tra 310.
  - (d) “Division” means the Division of Public Works for the City of Nashua.
  - (e) “Erect” means “erect” as defined in RSA 236:70, IX.
  - (f) “Limited access highway” means a highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts on such limited access highway or for any other reason, to which the means of ingress and egress is limited to interchange ramps.
  - (g) “Logo sign panel” means a specific service sign panel provided by a service to identify the service's trademark or name, or both, and attached to a specific service sign assembly.
  - (h) “Manual on Uniform Traffic Control Devices” or “MUTCD” means the most recent edition of the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration (FHWA) in accordance with 23 U.S.C. 101 (a), 104, 109(d), 114 (a), 217, 315, and 402(a); 23 CFR 1.32 and 49 CFR 1.48(b), as amended.
  - (i) “On-site” means located on the service premises.
  - (j) “Seasonal” means a service that is open at least 6 consecutive months, at least 3 of which are on a full time basis.

- (k) "Specific service" means a service essential to the road user providing fuel, meals, lodging, or camping facilities.
- (l) "Specific service sign" means a guide sign that provides road users with business identification and directional information for services, to which one or more logo sign panels are attached.
- (m) "Specific service sign assembly" means the structure to which one or more specific service signs are attached and which is erected within City ROW to direct road users to a particular service(s).
- (n) "Specifications" means signing standards as set forth in NH DOT Logo Signing Program for Motorist Services, Tra 310, Tra 310.14 and Tra 310.17.
- (o) "Trailblazing" means one or more signs designed to direct the motorist from the point of installation of a logo sign panel through intermediate traffic movements to the premises depicted on the logo sign panel.
- (p) "Urban area" means an area as delineated on the urban area boundary maps on file with the department and as established by the commissioner and responsible local officials of the state of New Hampshire, and which have been approved by the secretary of the United States Department of Transportation or his/her designee.
- (q) "Visible" means capable of being seen, whether or not legible, without visual aid by a person of natural acuity.
- (4) No Variation from National Standards. Because the MUTCD specifies the national standard for specific service sign assemblies and logo sign panels, the Division shall not change or vary the specifications for such signs.
- (5) Specific Service Signs; Placement.
  - (a) No specific service sign assembly shall contain more than 6 logo sign panels.
  - (b) No more than 3 types of qualifying services shall be represented on a specific service sign or specific service sign assembly.
  - (c) No applicant shall be represented by more than one logo sign panel at a single intersection, even if such applicant offers more than one type of eligible service.
  - (d) A specific service sign shall display:

[1] The legend "gas," "food," "lodging," or "camping";

[2] An appropriate directional arrow(s); and

[3] The related logo sign panels.

(6) The Nashua Permit System

- (a) No logo sign panel shall be erected upon a specific service sign assembly unless the Board of Public Works has granted a permit for the logo sign panel.
- (b) No logo sign panel shall be erected upon a specific service sign assembly unless the NH DOT, Bureau of Traffic, has issued or will issue within 3 months, a permit to the same applicant for the Logo Signing Program for Motorist Services in accordance with Tra 310.
- (c) The initial permit process shall begin with the submission of a completed written request for signage to the Division of Public Works, upon a form provided for that purpose, together with the appropriate fee, as provided in *Request for Signage; Fee* (Section 7). This request shall include necessary documentation regarding the NHDOT, Bureau of Traffic Logo Signing Permit requirements.
- (d) The request for signage shall be reviewed in accordance with *Review of the Request for Signage* (Section 8) by the Board of Public Works with review and comment by the Division of Public Works.
- (e) If the request for signage meets all of the criteria in *Review of the Request for Signage* (Section 8), it shall be granted, and a permit shall be issued to erect the signage.
- (f) If the request for signage fails to meet all of the criteria in *Review of the Request for Signage* (Section 8), it shall be denied. The applicant may either alter the request to meet the criteria in question, or request a hearing in accordance with Board of Public Works *Appeals Process* (Section 23).
- (g) Renewal of the permit following the initial permit period shall be obtained using the procedure found in *Renewal of Annual Permit* (Section 19).

(7) Request for Signage; Fee.

- (a) An applicant requesting an initial permit for a logo sign panel shall provide the following information on a form furnished by the Division of Public Works:
  - [1] The name and address of the applicant;
  - [2] The applicant's telephone number, or other means of contacting the applicant during regular business hours;

- [3] The name under which the applicant does business, if different from the name in [1] above;
  - [4] The intersection where the proposed sign panel is to be located by street names and direction of travel;
  - [5] The business location to be signed, showing the travel distance and direction of travel from the intersection of the end of the exit ramp with the intersecting highway to the location, to nearest 1/10 mile;
  - [6] Details of times the business provides qualifying services to the public, including:
    - [a] Business hours for each day of the week the business operates; and
    - [b] Any seasonal variations to such hours or days of operation;
  - [7] The text proposed for the sign;
  - [8] The signature of the applicant, including the title and authority of the person signing if applying for a partnership, trust, corporation, or limited liability company;
  - [9] The date of the signature; and
  - [10] The fee of as specified in *Fees* (Section 18).
- (b) The Division shall review the request for signage in accordance with *Review of the Request for Signage* (Section 8).
- (8) Review of the Request for Signage.
- (a) The Division of Public Works shall review a request for signage and, send the application to the Board of Public Works to approve a permit to erect the signage unless an office review or a field review of the proposed location discloses an issue sufficient to deny the request under any provision of this section.
  - (b) The Division of Public Works shall conduct an office review of the request for signage and shall deny the application if:
    - [1] The applicant has failed to provide all required information on the request form;
    - [2] The applicant seeks to erect a logo sign panel at a location where a specific service sign assembly cannot be erected, or has been removed or relocated for construction or maintenance purposes;

- [3] The applicant's business location does not exist, provided that a location under construction, or a closed business planning to reopen under new management, may submit an application up to 3 months in advance of the scheduled date of the business opening;
  - [4] The Division of Public Works shall conduct a field review of the highway interchange and the business location.
  - [5] The Division of Public Works shall deny the request for signage if:
    - [a] The proposed text contains information that conflicts with an existing traffic control device;
    - [b] There is no available space for the service on an existing or proposed specific service sign assembly, and no existing logo sign panel is subject to being removed from the sign assembly pursuant to NH DOT's Logo Signing Program for Motorist Services permit requirements;
    - [c] The business location is beyond the maximum distance of one (1) mile from the closest FE Everett Turnpike interchange off ramp;
    - [d] The access to the business requires the road user to make an illegal traffic movement to enter the service from the intersecting highway located at the end of the off ramp;
    - [e] The roadway as constructed prevents the road user from conveniently returning to the original direction of travel on the FE Everett Turnpike by using legal traffic movements or referring to clearly marked supplemental signage indicating the required movements back to the interchange;
- (c) All permits issued shall be subject to the following standard conditions:
- [1] The permit shall expire on the April 1st next following the date of issue;
  - [2] Logo sign panel permits shall not be transferable;
  - [3] If a permitted business or entity is transferred to a new owner, a new original initial application shall be submitted for review and approval;
  - [4] The permit holder shall inform the Division of Public Works of changes in the name, address, or eligible service provided within 10 working days of the change;

- [5] The permit holder shall inform the Division of Public Works of any dates the service will be closed to the public if greater than 12 days in any calendar month;
  - [6] A logo sign panel remains the property of the permit holder, provided that if the panel is removed from a specific service sign assembly in accordance with NH DOT's Logo Signing Program for Motorist Services permit, the holder shall pick up the panel at the Division of Public Works within 30 days, or it shall be deemed to be abandoned to the use of the City.
- (9) **Priorities for Signage.** All signage and permits shall comply with the NH DOT permit issuance including Tra 310 and 310.09 *Priorities for Signage*.
- (10) **Intersection Eligibility Criteria.** The Division shall apply the following criteria when determining whether a particular intersection has physical characteristics capable of supporting logo signage without detriment to motorist safety:
- (a) Sufficient right-of-way exists to permit a minimum of 20-foot spacing between logo signs or official signs, or both;
  - (b) Whether there are other sight distance restrictions which impede the safe and orderly flow of traffic or restrict a motorist's ability to respond to official guide, warning, or regulatory sign(s); and
  - (c) Whether there are any other geometric limitations or space restrictions, including, but not limited to, situations at intersections which exit onto traffic circles or access toll facilities which may negatively impact the safety of the traveling public.
  - (d) In addition to the criteria set forth above, logo signs shall be prohibited at intersections where one or more of the following conditions exist:
    - [1] An area of high traffic congestion, including, but not limited to:
      - [a] Within a central business district; or
      - [b] A location where long traffic delays frequently occur;
    - [2] A location where long sections of bridge structure, retaining wall, or installations of noise barriers limit the placement of ground-mounted logo signing; or
    - [3] A location where the installation of logo signs would interfere with safety, including but not limited to, maintenance of traffic flow.
- (11) **Eligible Services.** All signage and permits shall comply with the NH DOT permit issuance including Tra 310 and 310.11 *Eligible Services*.

## (12) Seasonal Businesses; Coverage of Logo Panels; Fee.

- (a) The Division of Public Works shall cover the logo panels of a seasonal business for the time period in which the business is closed.
- (b) It shall be the responsibility of the business to notify the Division of Public Works of the business' opening and closing dates.
- (c) The business shall be charged a fee in accordance with in *Fees* (Section 18).

## (13) Sign Panel Design.

- (a) Upon approval of a request for signage, the applicant shall work with the Division of Public Works to design, fabricate, and install a logo sign panel that:
  - [1] Accurately meets the specifications set forth in *Design and Installation of Specification for Logo Sign Panels* (Section 16); and
  - [2] Is fabricated and installed to the performance standards set in the MUTCD.
- (b) The message of the logo sign panel shall be limited to the following elements, as mutually determined by the applicant and the Division:
  - [1] Either [a] or [b] below:
    - [a] In accordance with *Design and Installation of Specification for Logo Sign Panels* (Section 16):
      - 1. A standard service symbol or a logo design or legend;
      - 2. A standard service symbol and a logo design or legend; or
      - 3. A logo design or legend, or both; or
    - [b] A textual message with a maximum of 3 lines of text; and
  - [2] A supplemental message, as follows:
    - [a] "24-HR" on gas or food logos if the facility is open 24 hours a day, 7 days a week;



- [b] “Diesel” on gas logos for those facilities where diesel fuel is available; and
  - [c] “No Trucks” or “No Buses” if the facility does not have adequate parking for large vehicles.
- (c) The language, arrangement and spacing of the textual message shall be limited as follows:
  - [1] The text shall be submitted to the Division of Public Works for review prior to fabrication of the sign panel;
  - [2] Each line of the message shall contain no more than 12 characters, including letters, numbers, and spaces;
  - [3] The minimum legend character size shall be 4 inches;
  - [4] Slogans, telephone or fax numbers, street addresses, electronic mail or Internet addresses, ham radio call numbers, or messages that resemble any official traffic control device shall not be permitted;
  - [5] If necessary to distinguish between 2 businesses with the same or a similar name, a descriptive term may be added, as determined on a case-by-case basis;
  - [6] Community or street names that are not part of the participant's business or company name shall not be acceptable;
  - [7] Product names that are not part of the participant's business or company shall not be acceptable; and
  - [8] Recognition of alcohol or tobacco products is not permitted under any circumstance.
- (14) Sign Panel Materials and Fabrication Standards.
  - (a) The specifications for logo sign panel materials and quality of fabrication are set forth in *Design and Installation of Specification for Logo Sign Panels* (Section 16).
  - (b) All costs for materials and initial fabrication of the logo sign panel are the responsibility of the applicant.
- (15) Sign Installation and Replacement Requirements.
  - (a) All logo sign panels and required seasonal cover panels shall be installed by the Division of Public Works on specific service sign assemblies in the

manner set forth in *Design and Installation of Specification for Logo Sign Panels* (Section 16).

- (b) All costs for logo sign panel and seasonal cover panel installation shall be the responsibility of the applicant.
  - (c) If a logo sign panel must be replaced due to theft, damage, destruction, or wear and tear, all costs for the fabrication and installation of the replacement shall be the responsibility of the applicant.
- (16) Design and Installation of Specification for Logo Sign Panels.
- (a) The logo sign panel size and shape shall be rectangular in shape, and shall be 18 inches high and 24 inches wide.
  - (b) Logo sign panels shall be fabricated and provided by the applicant on aluminum sheeting substrate with a minimum thickness of 0.080 inch.
  - (c) The corner radius of a logo sign panel shall be 1-1/2 inch.
  - (d) The border of a logo sign panel shall be a minimum of 1/2, inch.
  - (e) Logo design shall be limited to a symbol or trademark, a legend message, or a symbol or trademark and a legend message, identifying the name or abbreviation of the specific business under which it commonly operates. Logos shall not be approved that resemble an official traffic control device, including, but not limited to, a stop or yield sign.
  - (f) All logo colors shall be made from either standard type II reflective sheeting or transparent inks on standard type II white reflective sheeting.
  - (g) The logo colors shall utilize any contrasting combination of standard highway colors, which shall be limited to:
    - [1] White;
    - [2] Yellow;
    - [3] Red;
    - [4] Blue;
    - [5] Green;
    - [6] Orange;
    - [7] Brown; and

[8] Black.

- (h) Transparent inks custom-mixed to correlate with standard trademarks shall provide good readability during both day and night hours. Colors for night readability shall be at least as reflective as the standard silk-screened blue color used by the Division of Public Works and as determined by instrument testing.
- (i) Logo legends that are part of regionally or nationally recognized trademarks shall be as large as practicable.
- (j) A logo sign panel shall be finished in a neat manner, free of cracks, wrinkles, blisters, discoloration, burrs, buckles, or warps and shall present a smooth light surface of uniform color.

(17) Effects of Changes at Participating Businesses.

- (a) If the ownership of a participating business changes, the existing logo sign panel permit shall expire.
- (b) The new owner of a participating business may apply for a permit to continue participation in the program.
- (c) Failure to apply for a permit within 30 days of transfer of the business shall be treated as a withdrawal from the program, and the privilege to participate in the logo program shall be offered to the next qualified business.
- (d) If the change in ownership does not require a change in the information on the logo sign panel, the Division of Public Works shall treat the application as a renewal application.
- (e) If the change in ownership results in a different use of the premises, or any changes to the installation, the Division of Public Works shall treat the application as an original application.

(18) Fees.

- (a) The Division of Public Works shall charge and collect the following fees for services rendered to applicants in order to recover the cost of the service:

[1] Initial application review and logo sign panel installation, \$550.00;

[2] Replacement of worn, vandalized, or damaged panels, \$250.00 per installation;

- [3] A fee for seasonal logo sign panel, \$75.00 per sign panel, due annually at time of renewal;
    - [4] Annual renewal of a logo sign panel permit, or review of application upon change in ownership of a participating business which does not require a change of the logo sign panel, \$75.00 per logo sign panel; and
    - [5] Review of an application as a result of a change in ownership and which results in a modification of the logo sign panel, \$250.00 per installation.
  - (b) The fees listed above are refundable only if the permit is denied or the application is withdrawn.
- (19) Renewal of Annual Permit.
- (a) A holder of an annual permit for a logo sign panel that wishes to renew the permit shall provide the following information to the Division of Public Works, on a form furnished by the Division:
    - [1] Signature of the permit holder, including capacity and authority if signing for a trust, partnership, corporation, or limited liability company;
    - [2] Date of the renewal application; and
    - [3] Any change in the ownership, services provided, or hours of operation of the business location depicted upon the logo sign panel.
  - (b) Upon receipt of the completed application for renewal and the required fee, the Division of Public Works shall review the application. The Division shall issue a renewal permit unless information contained on the application or obtained from a field review of the service indicates that the service no longer qualifies for a logo sign panel under this ordinance.
  - (c) If the application for renewal of a logo sign panel permit is denied, the Division of Public Works shall provide written notice explaining why the application could not be approved, and how the applicant may request a hearing to review the decision with the Board of Public Works (Section 23).
- (20) Removal or Relocation of Specific Services Sign Assemblies.
- (a) If Division projects or operations necessitate the temporary relocation of specific service sign assemblies, the Division of Public Works shall:

- [1] Store logo signs removed temporarily;
  - [2] Determine whether changes to existing logo sign panels are needed as a result of changes in routing;
  - [3] Assess to the logo sign panel permit holder the cost of:
    - [a] Installing new or added logo sign panels; and
    - [b] New or added trailblazing signs; and
  - [4] At the conclusion of the project or operation, relocate such sign and its logo sign panels to a new location at Division expense, if the new location can accommodate the sign;
- (b) The Division shall not reimburse to the permit holder any portion of the annual permit fee when a logo sign is removed under (a) above, even if a logo sign is not re-erected upon the highway.
- (c) If a specific service sign assembly is to be permanently removed by the Division for any reason:
- [1] The cost of the logo sign panel removal shall be borne by the Division;
  - [2] The logo sign panel shall be removed and stored by the Division for 30 days, provided that the Division shall not be responsible for:
    - [a] Damage to any logo sign panel occasioned by removal, transport or storage; and
    - [b] Storage over 30 days; and
- (d) No reimbursement shall be made to the permit holder for the unused portion of the annual permit fee.
- (21) Removal of Logo Sign Panel in Favor of Closer Business; Bumping Process. All signage and permits shall comply with the NH DOT permit issuance including Tra 310 and 310.22 *Removal of Logo Sign Panel in Favor of Closer Business; Bumping Process.*
- (22) Revocation of Permit for Cause.
- (a) The Division of Public Works shall revoke an annual permit, or any renewal of an annual permit, based upon the following conduct by the permit holder:
    - [1] The permit holder voluntarily withdraws from the program;

- [2] The permit holder fails to file a renewal application or pay the required fee or fees by April 1st of any given year;
- [3] The permit holder closes the business depicted upon the logo sign panel, or otherwise abandons the service depicted for a period in excess of 14 days in any calendar month;
- [4] The permit holder fails to advise the Division of Public Works of changes in the ownership or service characteristics of the depicted service;
- [5] The permit holder has provided any materially false information on the application or request for renewal; or
- [6] If a seasonal business fails to notify the department in a timely manner of the establishment's dates of closing and opening.

**(23) Appeals Process.**

- (a) The location, size, materials, and criteria for installation of specific service sign assemblies and directional or supplemental messages are within the sole discretion of the Board of Public Works and the Division of Public Works.
- (b) The denial of an application for a logo sign panel or termination or revocation of an existing logo sign panel permit may be appealed by filing a request for a hearing with the Board of Public Works.
- (c) Requests for hearing shall be submitted in writing to: City of Nashua, Division of Public Works, 9 Riverside Street, Nashua, NH 03062.
- (d) Requests for hearings shall be filed within 30 calendar days of the date the letter of denial or revocation is received by the applicant or permit holder."

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This legislation shall take effect following its passage.

**LEGISLATIVE YEAR 2015**

**ORDINANCE:**

**O-15-066**

**PURPOSE:**

**Establishing a process for locating motorist services directional signage related to highway signage in the city right-of-way**

**ENDORSERS:**

**Alderman Richard A. Dowd**

**COMMITTEE  
ASSIGNMENT:**

**FISCAL NOTE:**

**The proposed process includes fees that are intended to recoup the initial cost of the service sign assemblies.**

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**ANALYSIS**

This legislation establishes a process for requesting motorist services directional signage related to highway signage in the city right-of-way. The process is modeled after the state's motorist service signing (logo sign) program.

This legislation should be referred to the Board of Public Works.

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**Approved as to form:**

**Office of Corporation Counsel**

**By:** Douglas Clarke

**Date:** September 2, 2015